

1 BARRY J. PORTMAN
 2 Federal Public Defender
 3 LARA S. VINNARD
 4 Assistant Federal Public Defender
 5 160 West Santa Clara Street, Suite 575
 6 San Jose, CA 95113
 7 Telephone: (408) 291-7753
 8 Counsel for Defendant VU

FILED

JUL 10 2007

MB
 RICHARD G. WILKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13
 14 UNITED STATES OF AMERICA,) No. CR 07-70337 PVT
 15 v.)
 16 KHAHN DANG VU and) STIPULATION TO CONTINUE
 17 LAM THANH NGUYEN,) PRELIMINARY HEARING AND
 18 Defendants.) EXCLUDE TIME; [PROPOSED] ORDER
 19
 20 *2J*

21 Defendants and the government, through their respective counsel, hereby stipulate that,
 22 subject to the court's approval, the preliminary hearing in the above-captioned matter, presently
 23 scheduled for Thursday, July 12, 2007, be continued to Thursday, August 23, 2007, at 9:30 a.m.

24 The continuance is requested because one or both defendants may agree to proceed by
 25 Information and waiver of Indictment, but additional time is needed for counsel to review the
 26 case before making that determination. Additionally, substitute counsel, Mary Conn, Esq., has
 recently been retained on behalf of defendant Lam Thanh Nguyen, and requires time to
 familiarize herself with the case.

The parties further agree that time for arraignment or preliminary hearing should be

STIPULATION TO CONTINUE
 PRELIM. HEARING; [PROPOSED] ORDER
 No. CR 07-70337 PVT

1 excluded under the Speedy Trial Act because the defense requires time for effective preparation
 2 and investigation, and the ends of justice outweigh the defendants' and the public's need for
 3 filing charges on an earlier date.

4

5 Dated: 7/9/07

/s/
 LARA S. VENNARD
 Assistant Federal Public Defender
 Attorney for Khanh Vu

7

8 Dated: 7/9/07

/s/
 MARY CONN
 Attorney for Lam Thanh Nguyen

9

10 Dated: 7/10/07

/s/
 JEFFREY B. SCHENK
 Assistant United States Attorney

11

12

ORDER

13 The parties have jointly requested a continuance of the preliminary hearing set for July
 14 12, 2007, to allow time for one or both defendants to determine whether to proceed by
 15 Information or Indictment, and to allow time for new counsel, Mary Conn, Esq., to familiarize
 16 herself with the case.

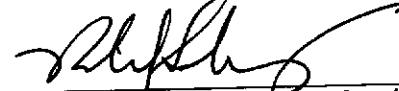
17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
 18 presently set for July 12, 2007, be continued to August 23, 2007, at 9:30 a.m.

19 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
 20 from July 12, 2007 to August 23, 2007, shall be excluded from the period of time within which
 21 charges must be filed under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

22

23

Dated: 7/10/07


 PATRICIA V. TRUMBULL RICHARD SEELEY
 United States Magistrate Judge

24

25

26

STIPULATION TO CONTINUE
 PRELIM. HEARING; [PROPOSED] ORDER
 No. CR 07-70337 PVT